

<b>APPELLANT'S BRIEF UNDER 37 CFR §41.37 (Amended)</b>		Docket No. W0008/7000
Applicant:	James R. McSherry	
Serial No:	09/783,197	
Filed:	February 14, 2001	
For:	METHOD AND APPARATUS FOR MANAGING WORKPLACE SERVICES AND PRODUCTS	
Examiner:	S. L. Jarrett	
Art Unit:	3623	

Mail Stop Appeal Brief - Patents  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

This brief is in furtherance of the Notice of Appeal, filed in this case on October 2, 2006.

The fees required under §41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

A single copy of this brief is transmitted (37 C.F.R. §41.37(a)) and contains these items under the following headings, and in the order set forth below (37 C.F.R. §41.37(c)(1)):

- I REAL PARTY IN INTEREST
- II RELATED APPEALS AND INTERFERENCES
- III STATUS OF CLAIMS
- IV STATUS OF AMENDMENTS
- V SUMMARY OF CLAIMED SUBJECT MATTER
- VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
- VII ARGUMENT
- VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL
- IX EVIDENCE APPENDIX
- X RELATED PROCEEDINGS APPENDIX

#### **I REAL PARTY IN INTEREST (37 C.F.R. §41.37(c)(1)(i))**

The real party in interest in this appeal is the workplace HELPLINE.

#### **II RELATED APPEALS AND INTERFERENCES (37 C.F.R. §41.37(c)(1)(ii))**

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal

### **III STATUS OF CLAIMS (37 C.F.R. §41.37(c)(1)(iii))**

#### **A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1-56

#### **B. STATUS OF ALL THE CLAIMS IN APPLICATION**

- |    |  |                                       |
|----|--|---------------------------------------|
| 1. | Claims pending:  | 1-3, 6-19, 22-35, 38, 40-45 and 48-56 |
| 2. | Claims canceled:                                       | 4, 5, 20, 21, 36, 37, 39, 46 and 47   |
| 3. | Claims withdrawn from consideration, but not canceled: | none                                  |
| 4. | Claims allowed:  | none                                  |
| 5. | Claims rejected:                                       | 1-3, 6-19, 22-35, 38, 40-45 and 48-56 |

#### **C. CLAIMS ON APPEAL**

The claims on appeal are: 1-3, 6-19, 22-35, 38, 40-45 and 48-56

### **IV STATUS OF AMENDMENTS (37 C.F.R. §41.37(c)(1)(iv))**

An amendment after final rejection was filed on September 8, 2006 in order to overcome a rejection of claims 1, 17, 33 and 48 under 35 U.S.C. 112, second paragraph, for lack of antecedent bases. This amendment was entered and the rejection of claims 1, 17, 33 and 48 under 35 U.S.C. 112, second paragraph, was withdrawn.

### **V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. §41.37(c)(1)(v))**

The present invention relates to the provision of workplace services and products to an organization (called a "client") by a three part system comprising proactive workplace resource office personnel (page 6, lines 16-20, Figure 1, 110) who, when initially contacted by the organization (page 14, lines 12-19, Figure 6, step 604), gather background information unique and specific to users in that organization (page 14, lines 20-24, Figure 6, step 606), a knowledge management database (page 6, lines 23-26, described in detail at page 7, line 17- page 11, line 19 with reference to Figures 2 and 3), that is populated by the workplace resource office personnel (who initially contacted the organization to gather background information) with the user organization's unique and specific background information before users in the organization contact the specialists (page 6, lines 22-26) and specialist(s) that answer the user's unique and specific workplace questions based on information from the knowledge

management database that was initially populated by the workplace resource office personnel (page 6, line 27 – page 7, line 16).

One of the goals of this system is to establish, as soon as possible, a direct relationship (106) between a user in an organization (100) who has a unique and specific question for which a unique and specific answer is required and a specialist, or an expert (112), who has specific expertise in the appropriate area in order to provide such an answer (page 6, lines 8-15). Another goal is to reduce, for both the user and the specialist, the time that is needed to obtain background information required to answer a specific question (page 11, line 20 – page 13, line 9, Figures 4 and 5). The result is a reduction in the cost of providing specialist services and a commensurate reduction in the liability of the organization.

The first goal is accomplished by workplace resource office personnel who work with the organization, including both the users and their management, to gather as much unique background information on the organization as possible before any users try to contact the specialists who will answer their specific questions (page 3, lines 22-26; page 14, lines 20-24, Figure 6, step 606). The workplace resource office personnel, use the information that is gathered and information provided by the users to provide contact information for a specialist, such as a telephone number or a web address, to each user before any questions arise (page 6, lines 16-22). The contact information enables that user to immediately and directly contact the specialist when a specific question based on a situation that is unique to a user arises. This arrangement allows the user to bypass the usual call center, automated directory and generic, not specific, FAQ processes of prior help desks and customer relationship management systems. The direct user-specialist relationship is important because it relieves the user from having to “cold call” a help desk, provide some background information to the call desk attendant, and then keep providing more information to each level of the help organization before an actual specialist is finally reached. This process is generally so daunting that many users simply do not undertake it. Further, the user does not have to rely on generic answers to FAQs that may, or may not, answer the user’s specific question and may unwittingly expose the organization to potential liability. Finally, a direct user-specialist relationship is also important in many areas, such as where legal advice is given by an attorney who is the specialist, in order to preserve the attorney-client privilege attendant for the answers given by the attorney.

The second goal is also accomplished by workplace resource office personnel who proactively reach out to an organization and load background information that they have collected “pre-contact” from the organization and its users into a common database, which is

accessible by the specialist (page 6, lines 23-26). This information could include, for example, the current size of the organization (number of employees or revenue), the city, state or country of the organization, the industry or area in which the organization operates and regulatory changes at the city, state or federal level. Therefore, at the time that contact is actually made between a user who is making a contact and a specialist, the specialist has access to the information previously added to the database and does not need to spend time eliciting this information from the user during the actual contact. In addition, necessary information may be available to the specialist in the database, which information the user does not know or may be unable to obtain. This prevents the user from having to terminate the contact and, if possible, obtain the necessary information and then re-establish the contact. In addition, the knowledge database can include all prior specific questions asked and answers given, thereby assisting the specialist in providing an answer.

The independent claims correspond to the specification as follows:

Claim 1: step (a) - page 14, lines 12-19, Figure 6, step 604, and  
page 14, lines 20-24, Figure 6, step 606

step (b) - page 6, lines 23-26, described in detail at page 7, line 17-page 11,  
line 19 with reference to Figures 2 and 3

step (c) - page 6, line 22-26

step (d) - page 3, line 19 to page 4, line 8; page 5, line 24 to page 6, line 15;  
Figure 4, steps 402-406 (description at page 11, lines 20-27); Figure  
5, steps 502-508 (description at page 12, line 11 to page 13, line 9);  
page 4, lines 14-18, page 6, line 27 - page 7, line 16; page 11, line  
28 to page 12, line 10, Figure 4, steps 408-412; page 13, lines 4-9,  
Figure 5, step 510

step (e) - page 4, lines 9-13; page 12, lines 6-10, Figure 4, step 414; Figure 5,  
step 512

Claim 17: mechanism that obtains background information - page 14, lines 12-19,  
Figure 6, step 604, and page 14, lines 20-24, Figure 6, step 606  
database - page 6, lines 23-26, described in detail at page 7, line 17-page 11,  
line 19 with reference to Figures 2 and 3  
mechanism that connects workplace resource offices to database - page 6, line  
22-26

communication mechanism – page 3, line 19 to page 4, line 8; page 5, line 24 to page 6, line 15; Figure 4, steps 402-406 (description at page 11, lines 20-27); Figure 5, steps 502-508 (description at page 12, line 11 to page 13, line 9); page 4, lines 14-18, page 6, line 27 – page 7, line 16; page 11, line 28 to page 12, line 10, Figure 4, steps 408-412; page 13, lines 4-9, Figure 5, step 510

knowledge management system – page 4, lines 9-13; page 12, lines 6-10, Figure 4, step 414; Figure 5, step 512

Claim 33: program code for creating a database – page 6, lines 23-26, described in detail at page 7, line 17-page 11, line 19 with reference to Figures 2 and 3

program code for connecting workplace resource offices to database - page 6, line 22-26

program code for providing contact information – page 3, line 19 to page 4, line 8; page 5, line 24 to page 6, line 15; Figure 4, steps 402-406 (description at page 11, lines 20-27); Figure 5, steps 502-508 (description at page 12, line 11 to page 13, line 9); page 4, lines 14-18, page 6, line 27 – page 7, line 16; page 11, line 28 to page 12, line 10, Figure 4, steps 408-412; page 13, lines 4-9, Figure 5, step 510

program code storing in the database – page 4, lines 9-13; page 12, lines 6-10, Figure 4, step 414; Figure 5, step 512

Claim 48: step (a) - page 14, lines 12-19, Figure 6, step 604, and

page 14, lines 20-24, Figure 6, step 606

step (b) – page 6, lines 23-26, described in detail at page 7, line 17-page 11, line 19 with reference to Figures 2 and 3

step (c) - page 6, line 22-26

step (d) – page 3, line 19 to page 4, line 8; page 5, line 24 to page 6, line 15; Figure 4, steps 402-406 (description at page 11, lines 20-27); Figure 5, steps 502-508 (description at page 12, line 11 to page 13, line 9); page 4, lines 14-18, page 6, line 27 – page 7, line 16; page 11, line

28 to page 12, line 10, Figure 4, steps 408-412; page 13, lines 4-9, Figure 5, step 510  
step (e) – page 4, lines 9-13; page 12, lines 6-10, Figure 4, step 414; Figure 5, step 512

The correspondence of the dependent claims is as follows:

Claim 15: step (g) – page 14, line 24 to page 15, line 10, Figure 6, step 608

Claim 16: step (h) – page 15, lines 6-25, Figure 7, step 700-708

Claim 31: publication mechanism – page 14, line 24 to page 15, line 10, Figure 6, step 608

Claim 32: publication mechanism publishes workplace issue information – page 15, lines 6-25, Figure 7, step 700-708

Claim 52: step (f) – page 15, line 28 to page 16, line 5, Figure 8, steps 800-804;  
step (g) – page 15, line 29 to page 16, line 5, Figure 8, step 804  
step (h) – page 16, lines 6-7, Figure 8, step 806; page 15, lines 1-10; page 15, lines 6-25, Figure 7, step 700-708

## **VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. 41.37 (c)(1)(vi))**

- A. Whether claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56 are patentable under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2002/0123983 (Riley) in view of U.S. Patent No. 5,884,032 (Bateman).
- B. Whether claims 15-16, 31-32 and 52 are patentable under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2002/0123983 (Riley) in view of U.S. Patent No. 5,884,032 (Bateman) and further in view of U.S. Patent No. 6,799,198 (Huboi).

## **VII ARGUMENT (37 C.F.R. §41.37(c)(1)(vii))**

- 1A. Prima facie obviousness has not been established because the combination of Riley and Bateman does not teach or suggest the**

**structure recited in claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56.**

Obviousness is a legal conclusion based on factual evidence. Graham v. John Deere Co., 383 US 1, 148 USPQ 459 (1966). To establish the *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970).

The Riley reference discloses a conventional service desk. This desk operates with a five step method that is described in the Riley specification at paragraphs [0018] and [0094] in connection with Figure 4. There it is disclosed that the operation of the Riley service desk comprises reactively receiving a request for service, logging the request, categorizing the request, assigning the request and resolving the request. It is clear that, before a user receives service, a request must arrive at the service desk, be categorized before being assigned to service desk personnel and finally assigned to the service desk personnel. In particular, Riley contemplates a tiered processing arrangement in which a service desk operator, called "Tier 1 personnel", receives a request for service and attempts to resolve the problem. If the service desk operator cannot resolve the problem, then the request is assigned to another person who attempts to resolve the problem using the service desk knowledge repository or other resources. This type of operation is exactly what the present invention tries to avoid;

Therefore, Riley discloses no proactive workplace resource office personnel who proactively gather background information and no knowledge management database that is proactively populated before users contact the persons who will resolve their problems. As will be discussed below with respect to the claims, the Riley system is a reactive system that is not designed to establish, as soon as possible, a direct relationship between a user who has a specific question for which an answer is required and a specialist who has specific expertise in the appropriate area in order to provide an answer. Rather, it is designed to steer a user first to an automated response system (see Riley paragraphs [0103] and [0104]), then to a service desk operator (Tier 1 person, see Riley paragraphs [0105] and [0106]). At this point customer information is obtained from the customer or verified (see Riley paragraphs [0107] – [0109] and [0136]). If the service desk operator cannot resolve the problem, then the request is categorized and assigned to another person (Riley paragraph [0136]). If that person cannot handle the request, the request is further escalated up the service desk hierarchy to additional persons (see Riley, paragraphs [0142]-[0143]).

The Bateman reference has been discussed in detail in previous responses. It also discloses a traditional call center system run by an organization and is also a reactive system. The emphasis in these systems is on self-service as noted in the Bateman abstract, not on a proactive system where workplace resources personnel first reach out to the customer or user before a problem or situation at the user's workplace occurs. In the present invention, once the problem or situation occurs, the customer or user is immediately connected to a specialist to answer their unique and specific question using the database that has been pre-populated with their specific and unique information. In the Bateman system, a customer generally calls the call center and is greeted by an automated system which attempts to answer any questions that the customer might have. However, since this response is generic and not specific, it may not apply to the user's situation or be incorrect. However, the user may not know that this is the case and act on the advice assuming that it is correct. Thus, the organization may be exposed to liability.

According to Bateman, if this automated response does not satisfy the customer, then the customer can request to be referred to a "live" person. The call is queued and a live operator is selected via an automatic call distributor (ACD) that makes a return call to the customer. The customer's telephone number is used to access a database and retrieve customer records. The operator can view any web pages that the customer might have been viewing when the help request is made. Similar to the Riley disclosure, Bateman does not disclose workplace resource office personnel who proactively gather background information, nor does it disclose a knowledge management database that is populated before users contact the persons who will resolve their problems. Bateman is not designed to establish, as soon as possible, a direct relationship between a user who has a specific question for which an answer is required and a specialist who has specific expertise in the appropriate area in order to provide an answer, such as providing legal advice thereby creating an attorney/client privilege.

Thus, the combination of Riley with Bateman does not disclose or suggest the claimed invention since neither reference discloses the invention. In particular, claim 1 recites, in lines 5-15, "...using personnel in a workplace resources office ... to obtain background information for the plurality of users and the organization ... creating a database in the computer system memory ... connecting the workplace resources office to the ... the database ... in order to store the background information for the plurality of users and the organization obtained by the workplace resources office in the database before a user contacts a specialist ... the specialist



receives user identifying information from that user, uses the received identifying information to access and retrieve user background information for that user from the database ..."

The examiner points to Riley paragraphs [0059]-[0062] and [0068] as disclosing the step of contacting a plurality of users to obtain user background and organization information. However, this section of Riley discloses that a service desk designer can determine user requirements in order to design the service desk. Unlike the invention, it is clear that these user requirements are not stored in a database and then later retrieved by the specialist in order to respond to a user question as recited in claim 1.

The examiner further asserts that Riley paragraphs [0097] and [0098] disclose that before one of the plurality of users attempts to obtain specific assistance with any issue unique to their workplace and based on the background information, the workplace resources office provides to that user contact information which allows that user to immediately and directly contact a specialist with expertise specific to their unique workplace issues. However, at that location Riley discloses that the user is only provided with contact information to enable the user to contact the service desk and the service desk operator, not the specialist who will ultimately provide assistance. Bateman discloses the same scenario. Thus, the combination of Riley and Bateman does not disclose this claimed feature.

Claims 17, 33 and 48 contain limitations that parallel those in claim 1 and distinguish over the cited combination of references in the same manner as claim 1. Claims 2-3, 6-16, 40-41 and 53 are dependent, either directly or indirectly, on claim 1 and incorporate the limitations thereof. Therefore, they distinguish over the cited combination of references in the same manner as claim 1.

Claims 18-19, 22-32, 42-43 and 54 are dependent, either directly or indirectly, on claim 17 and incorporate the limitations thereof. Therefore, they distinguish over the cited combination of references in the same manner as claim 17. Similarly, claims 34-35, 38, 44, 45 and 55 are dependent upon, either directly or indirectly, on amended claim 33 and incorporate the limitations thereof. Therefore, they also distinguish over the cited references in the same manner as amended claim 33. Claims 49-52 and 56 are dependent, either directly or indirectly, on claim 48 and incorporate the limitations thereof. Therefore, they also distinguish over the cited references in the same manner as amended claim 48.

A total of 96 references have been cited in this application of which 11 have been applied against the claims. Official notice has been taken of numerous steps and elements. There have been four office actions and personal interview. However, with all of these citations,

official notices and office actions, although different combinations of references have been applied against the claims, the same service and help desk literature is being applied against the claims. When a response is filed, a different combination of literature is presented, but there is no advance in the prosecution because the references are essentially cumulative.

Applicant believes that many additional references showing help and service desks can be obtained so that a continuous stream of rejections can be made, thereby prolonging the prosecution and the expense to applicant. However, applicant believes that these references will merely be cumulative to those already cited. At some point a decision must be made whether an invention is present or not. Applicant believes that this time is now and respectfully requests review of the current rejection and advancement of the application to issue. Otherwise, this prosecution will amount to prosecution by attrition.

**1B. Prima facie obviousness is rebutted by the commercial success of the invention.**

Evidence arising out of the so-called 'secondary considerations' must always, when present, be considered en route to a determination of obviousness. Stratoflex, Inc. v. Aeroquip Corp., 713 F. 2d 1530, 1538, 218 USPQ 871, 879 (Fed. Cir. 1983). Secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. As indicia of obviousness or nonobviousness, these inquiries may have relevancy. Graham v. John Deere Co. 383 US 1, 18; 148 USPQ 459, 467.

At a personal interview held at the U.S. Patent and Trademark Office on August 8, 2005, evidence of commercial success was presented by applicant and applicant's attorney in the form a slide presentation. Printouts of this presentation were subsequently submitted with a supplemental response filed on October 31, 2005 and are attached hereto in section IX. This evidence indicates that, to date, no financial services companies other than applicant use the key elements of the inventive approach. Instead, others just provide a toll-free number and/or web content. The result is that applicant's system has significantly higher utilization. One study presented in the evidence indicated that cumulative utilization (measured in terms of how many users who were contacted by workplace resource office personnel using the inventive method actually contacted a specialist) for a system using the inventive method and apparatus is 89%

versus an industry standard using conventional methods and apparatus of 3%. Another study was conducted where two parallel programs were operated, one using the inventive method and apparatus for 2,500 users, the other using just a hotline for 7,500 users. There were 275% more contacts with specialists from less than 10% of the areas using the inventive method and apparatus than from the remaining 90% of the areas served just by a toll free number.

In one illustrative industry, the insurance industry, the higher utilization translated to a 50% reduction in loss costs. This reduction was calculated by using seven years of actual claims data from a client, comparing the claims data to actual call data and then correlating the calls to the claims by examining the actual claim issues, the reported year and the actual issues discussed during the calls. This loss cost reduction is achieved because the inventive method and apparatus efficiently allows a small group of specialists to service a large group of clients resulting in an effective cost of about \$250 per user per year of legal costs compared to many thousands of dollars that would be required under competing technologies.

The result is that applicant has grown, using only the inventive method and apparatus, starting from no clients in the spring of 1998, to over 7500 clients as of the end of 2006.

**2. Prima facie obviousness has not been established because the combination of Riley, Bateman and Huboi does not teach or suggest the structure recited in claims 15-16, 31-32 and 52.**

The Huboi reference discloses a customizable help system in which a set of help files on a help server are used to generate web server help screens. A network discovery device is used to determine the type of device or service for which a user is requesting help and to discover further information concerning the user. Based on information from the network discovery device, the help server displays either default help screens or help screens that have been customized by a system administrator. The customized screens which include help on only features and devices that the user actually possesses. This operation is disclosed in detail with reference to Huboi Figure 4 and the accompanying text at column 11, line 51 to column 14, line 27.

First, claims 15-16, 31-32 and 52 are dependent on claims 1, 17 and 48, respectively, and incorporate the limitations thereof. As discussed above, these latter claims recite the inventive three-part system. Also, as discussed above, the combination of Riley and Bateman does not disclose or suggest the invention as recited

in claims 1, 17 and 48. Adding Huboi to this combination does not change this result since Huboi does not disclose users contacting specialists at all, but is only directed to a help system that does not use workplace resource office personnel or specialists.

Second, Huboi does not disclose generating "templated" web sites as recited in claims 15-16, 31-32 and 52. Templated web sites are discussed in the instant specification at page 15, lines 1-10 and involve content being sent from a workplace resources office to a site and loaded directly into selected areas of an existing web site. This mechanism allows the site to maintain its appearance while still allowing the site content to change. In Huboi, an entire web server page is dynamically constructed from either a default file or custom file composed by an administrator. There is no teaching of suggestion in Huboi that variable content should be loaded into pre-selected sections of an existing web site. Consequently, the Huboi system would require that custom files be maintained for each custom web site. Thus, claims 15-16, 31-32 and 52 distinguish over the combination of Riley, Bateman and Huboi for this reason also.

Respectfully submitted

\_\_\_\_\_/paul e. kudirka/\_\_\_\_\_  
Paul E. Kudirka  
LAW OFFICES OF PAUL E. KUDIRKA  
Customer Number 64967  
Tel: (617) 357-0010 Fax: (617) 357-0035

Date: 2006-12-21

## VIII APPENDIX OF CLAIMS (37 C.F.R. §41.37(c)(1)(viii))

The text of the claims involved in the appeal is:

1. A method for managing workplace services provided by specialists to a plurality of users who are members of an organization by means of a computer system having a memory and connected to a network, the method comprising:
  - (a) upon a request from the organization, using personnel in a workplace resources office who are familiar with the workplace services, but are not the specialists to contact the plurality of users and to obtain background information for the plurality of users and the organization;
  - (b) creating a database in the computer system memory, the database containing, for each of the plurality of users, user background information and user identifying information unique and specific to each user;
  - (c) connecting the workplace resources office to the computer system and the database via the network in order to store the background information for the plurality of users and the organization obtained by the workplace resources office in the database before a user contacts a specialist;
  - (d) before one of the plurality of users attempts to obtain specific assistance with any issue unique to their workplace and based on the background information, providing from the workplace resources office to that user, contact information which allows that user to immediately and directly contact a specialist with expertise specific to their unique workplace issues and who is not one of the workplace resources office personnel in order to establish a communication session during which the specialist provides assistance on a specific workplace issue to that user wherein, during each communication session, the specialist receives user identifying information from that user, uses the received identifying information to access and retrieve user background information for that user from the database via the network, which information was previously stored in step (c), and combines the background information with their specific expertise and any additional or corrected information provided by the user to provide specific, live assistance to the user concerning the specific and unique workplace issues; and
  - (e) storing in the database over the network information concerning each communication session including the unique and specific advice provided to that

- 31 user by the specialist and adding the unique and specific stored communication  
32 session information to the user background information for that user.
- 1 2. The method of claim 1 wherein the communication session is a telephone call.
- 1 3. The method of claim 1 wherein the communication session is an e-mail message.
- 1 6. The method of claim 1 wherein the network is the Internet.
- 1 7. The method of claim 1 wherein the user identifying information is a unique personal ID  
2 code.
- 1 8. The method of claim 7 wherein the workplace resources office assigns the personal ID  
2 code to each of the plurality of users.
- 1 9. The method of claim 1 wherein step (b) comprises:  
2 (b3) establishing a web site connected to the database by the Internet; and  
3 (b4) using the web site to collect the background information from each of the plurality  
4 of users.
- 1 10. The method of claim 9 wherein the web site assigns a personal ID code to each of the  
2 plurality of users.
- 1 11. The method of claim 1 wherein the specialist is connected to the database via the  
2 Internet and wherein in step (d) the specialist obtains the user identifying information  
3 verbally from the user, enters the user identifying information into the database via a  
4 web interface and receives the user background information via a web browser.
- 1 12. The method of claim 1 wherein in step (e) the specialist assigns the communication  
2 session information to one of a plurality of predefined categories and the assigned  
3 category is stored with the communication session information and the user background  
4 information.

- 1 13. The method of claim 12 further comprising:  
2 (f) performing a query on information in the database, generating a report from the  
3 query and providing the report to the organization.
- 1 14. The method of claim 13 wherein the query is performed on category information in the  
2 database.
- 1 15. The method of claim 1 further comprising:  
2 (g) using a workplace resources office to generate a templated web site that is  
3 accessible by the plurality of users via the Internet.
- 1 16. The method of claim 15 further comprising:  
2 (h) publishing workplace issue information on the templated web site by sending the  
3 workplace issue information from the database to the templated web site.
- 1 17. Apparatus for managing workplace services provided by specialists to a plurality of users  
2 who are members of an organization by means of a computer system having a memory  
3 and connected to a network, the apparatus comprising:  
4 upon a request from the organization, a mechanism that uses personnel in a  
5 workplace resources office who are familiar with the workplace services, but are not the  
6 specialists to contact the plurality of users and to obtain background information for the  
7 plurality of users and the organization;  
8 a database created in the computer system memory, the database containing, for  
9 each of the plurality of users, user background information and user identifying  
10 information unique and specific to each user;  
11 a mechanism that connects the workplace resources office to the computer  
12 system and the database via the network in order to store the background information  
13 for the plurality of users and the organization obtained by the workplace resources office  
14 in the database before a user contacts a specialist;  
15 a communication mechanism operable before one of the plurality of users  
16 attempts to obtain specific assistance with any issue unique to their workplace that,  
17 based on the background information, provides from the workplace resources office to  
18 that user, contact information which allows that user to immediately and directly contact

a specialist with expertise specific to their unique workplace issues and who is not one of the workplace resources office personnel in order to establish a communication session during which the specialist provides assistance on a specific workplace issue to that user wherein, during each communication session, the specialist receives user identifying information from that user, uses the received identifying information to access and retrieve client background information for that user from the database via the network, which information was previously stored by the mechanism that connects the workplace resources office to the computer system and the database, and combines the background information with their specific expertise and any additional or corrected information provided by the user to provide specific, live assistance to the user concerning the specific and unique workplace issues; and

a knowledge management system that, under control of the specialist, stores in the database over the network information concerning each communication session including the unique and specific advice provided to that user by the specialist and adds the unique and specific stored communication session information to the user background information for that user.

18. The apparatus of claim 17 wherein the communication session is a telephone call.

19. The apparatus of claim 17 wherein the communication session is an e-mail message.

22. The apparatus of claim 17 wherein the network is the Internet.

23. The apparatus of claim 17 wherein the user identifying information is a unique personal ID code.

24. The apparatus of claim 23 wherein the workplace resources office assigns the personal ID code to each of the plurality of users.

25. The apparatus of claim 17 further comprising:  
a web site connected to the database by the Internet; and  
a mechanism that connects each of the plurality of users to the web site in order to collect the background information from each of the plurality of users.



- 1 26. The apparatus of claim 25 wherein the web site assigns a personal ID code to each of  
2 the plurality of users.
- 1 27. The apparatus of claim 17 further comprising a web interface connecting the specialist to  
2 the database via the Internet so that the specialist obtains the user identifying  
3 information verbally from the user, enters the user identifying information into the  
4 database via a web interface and receives the user background information via a web  
5 browser.
- 1 28. The apparatus of claim 17 wherein the specialist uses the knowledge management  
2 system to assign the communication session information to one of a plurality of  
3 predefined categories and to store the assigned category with the communication  
4 session information and the user background information.
- 1 29. The apparatus of claim 28 further comprising:  
2 a mechanism that performs a query on information in the database, generates a  
3 report from the query and provides the report to the organization.
- 1 30. The apparatus of claim 29 wherein the query is performed on category information in the  
2 database.
- 1 31. The apparatus of claim 17 further comprising:  
2 a publication mechanism that generates a templated web site that is accessible  
3 by the plurality of users via the Internet.
- 1 32. The apparatus of claim 31 wherein the publication mechanism publishes workplace  
2 issue information on the templated web site by sending the workplace issue information  
3 from the database to the templated web site.
- 1 33. A computer program product for managing workplace services provided by specialists to  
2 a plurality of users who are members of an organization by means of a computer system  
3 having a memory and connected to a network, and wherein upon a request from the

4 organization, personnel who are familiar with the workplace services, but are not the  
5 specialists in a workplace resources office contact the plurality of users to obtain  
6 background information for the plurality of users and the organization, the computer  
7 program product comprising a computer usable medium having computer readable  
8 program code thereon, including:

9 program code for creating a database in the computer system memory, the  
10 database containing, for each of the plurality of users, user background information and  
11 user identifying information unique and specific to each user;

12 program code for connecting the workplace resources office to the computer  
13 system and the database via the network in order to store the background information  
14 for the plurality of users and the organization obtained by the workplace resources office  
15 in the database before a user contacts a specialist;

16 program code operable before one of the plurality of users attempts to obtain  
17 specific assistance with any issue unique to their workplace and based on the  
18 background information, for providing from the workplace resources office to that user,  
19 contact information which allows that user to immediately and directly contact a  
20 specialist with expertise specific to their unique workplace issues and who is not one of  
21 the workplace resources office personnel in order to establish a communication session  
22 during which the specialist provides assistance on a specific workplace issue to that user  
23 wherein, during each communication session, the specialist receives user identifying  
24 information from that user, uses the received identifying information to access and  
25 retrieve user background information for that user from the database via the network,  
26 which information was previously stored by the program code for connecting the  
27 workplace resources office to the computer system and the database, and combines the  
28 background information with their specific expertise and any additional or corrected  
29 information provided by the user to provide specific, live assistance to the user  
30 concerning the specific and unique workplace issues; and

31 program code storing in the database information concerning each  
32 communication session including the unique and specific advice provided to a user by  
33 the specialist and adding the unique and specific stored communication session  
34 information to the user background information for the user.

- 1 34. The computer program product of claim 33 wherein the communication session is a  
2 telephone call.
- 1 35. The computer program product of claim 33 wherein the communication session is an e-  
2 mail message.
- 1 38. The computer program product of claim 33 wherein the network is the Internet.
- 1 40. The method of claim 1 wherein the workplace resources office is not part of the  
2 organization.
- 1 41. The method of claim 1 wherein the specialist is not part of the organization.
- 1 42. The apparatus of claim 17 wherein the workplace resources office is not part of the  
2 organization.
- 1 43. The method of claim 17 wherein the specialist is not part of the organization.
- 1 44. The computer program product of claim 33 wherein the workplace resources office is not  
2 part of the organization.
- 1 45. The computer program product of claim 33 wherein the specialist is not part of the  
2 organization.
- 1 48. A method for managing legal advice and counseling provided by legal experts to a  
2 plurality of contact people who are members of an organization by means of a computer  
3 system having a memory and connected to the internet, the method comprising:  
4 (a) upon a request from the organization, using personnel in a workplace resources  
5 office who are familiar with the legal advice and counseling, but are not the legal  
6 experts to personally contact the plurality of contact people and the organization  
7 to obtain background information for the plurality of contact people and the  
8 organization;

- (b) creating a centralized database in the computer system memory, the database containing, for each of the plurality of contact people, contact background information and contact identifying information unique and specific to each contact person;
- (c) connecting the workplace resources office to the computer system and the database via the internet in order to store the background information for the plurality of contact people and the organization obtained by the workplace resources office personnel in the database before a contact person contacts a legal expert;
- (d) before one of the plurality of contact persons attempts to obtain specific assistance with any issue unique to their workplace and based on the background information, providing from the workplace resources office to that contact person, contact information which allows that contact person to immediately and directly contact a legal expert with expertise specific to their unique workplace issues and who is not one of the workplace resources office personnel in order to establish a communication session during which the legal expert provides advice on a specific legal issue to that contact person wherein, during each communication session, the legal expert receives contact identifying information from that contact person, uses the received identifying information to access and retrieve contact background information for that contact person and for the organization from the database via the internet, which information was previously stored in step (c), and combines the background information with their specific expertise and any additional or corrected information provided by the user to provide specific, live advice to the contact person concerning the specific and unique legal issues; and
- (e) storing in the database over the network information concerning each communication session including the unique and specific advice provided to that contact person by the legal expert and adding the unique and specific stored communication session information to the user background information for that contact person and the organization.

49. The method of claim 48 wherein an insurer contracts with the workplace resources office and the organization is an insured of the insurer.

- 1 50. The method of claim 48 wherein the legal experts are associated with the workplace  
2 resources office.
- 1 51. The method of claim 48 wherein the contact people are employees of the organization.
- 1 52. The method of claim 48 further comprising:  
2 (f) performing a query on information in the database;  
3 (g) generating a report from the query; and  
4 (h) generating a templated web site that is based on the report and is accessible by  
5 the plurality of contact people via the Internet.
- 1 53. The method of claim 1 further comprising:  
2 (f) after a communication session between a user and the specialist, sending a  
3 follow-up message from the specialist to that user to inquire whether the  
4 assistance provided by the specialist answered a question posed by that user.
- 1 54. The apparatus of claim 17 further comprising means operable after a communication  
2 session between a user and the specialist, for sending a follow-up message from the  
3 specialist to that user to inquire whether the assistance provided by the specialist  
4 answered a question posed by that user.
- 1 55. The computer program product of claim 33 further comprising program code operable  
2 after a communication session between a user and the specialist, for sending a follow-up  
3 message from the specialist to that user to inquire whether the assistance provided by  
4 the specialist answered a question posed by that user.
- 1 56. The method of claim 48 further comprising:  
2 (f) after a communication session between a contact person and the legal expert,  
3 sending a follow-up message from the legal expert to that contact person to  
4 inquire whether the assistance provided by the legal expert answered a question  
5 posed by that contact person.

## ***the workplace HELPLINE®***

**Boston, Massachusetts**

***United States***

***Patent & Trademark Office***

***Alexandria, VA***

### **First... who is HELPLINE?**

- Nearly 95% of HELPLINE's business has been in the Financial Services sector (insurance, payroll, banking etc.) where our services are "built into" insurance products & programs as **Loss Control and Risk Management**.

#### **Our core competencies are providing:**

- Answers to insureds' specific questions
- A "one-stop" solution for Programs, Administrators & Assoc.
- Marketing support to producer and agent network
- Unique data and loss control solutions to Financial services companies as well as Publishing and software

#### **Our insurance client list:**

- Syndicates of Lloyd's of London
- Acordia
- Catholic Mutual Group
- Care Providers Services
- Insurance Services Office

- MIRMA, MIRMA and SAIF
- US Risk
- CPA Mutual RRG
- National Specialty Underwriters
- ACE USA

## ***the workplace HELPLINE®:*** **Our Mission**

*To help companies, association members and organizations, no matter what their size, meet their specific workplace challenges by providing Advice and Counsel with Employment Attorneys*

***HELP is just a phone call or click of the button away!***

## **What are HELPLINE's current Services?**

- Premium access to HELPLINE employment law attorneys to provide to answer a private company, public sector entity and non-profit's specific Human Resource and Employment law questions.
- *HELPLINE gives documented HR and employment law legal advice, no one else does!!*

## *Components of HELPLINE's USPTO Application & Commercial Success?*

- Personnel from Workplace Resources Office
- Database Technology
- Seamless access to Specialist Experts

## *Facts about HELPLINE's current clients...*

- Include thousands of governmental organizations, private sector, non-profit and employing 300,000
- HELPLINE client companies range from less than 10 employees to more than 5,000...reinforcing that all sizes of organizations use these services (from more than 15 to 30 times the industry standard)
- 86% are internet connected and 75% of the questions come in from insureds via the internet



## HELPLINE Services *(Each Company)*

<u>Components Included with Each Company:</u>	<u>Team Member</u>
1. Toll-Free HR HELPLINE <i>(2 contacts per Company)</i>	HELPLINE
2. Private-Branded On-line Resource Station	HELPLINE
3. Monthly HR Express Updates/AIR Alerts	HELPLINE
4. Copy of ELLA – 5 sections	Laundon
5. Personnel from workplace resources office	HELPLINE

### Components Included for the Financial Services Company:

6. Database & Data Reporting	HELPLINE
7. Private-Branding and Back Office Support	HELPLINE
8. Training for Underwriters & Agents & Association	ALL

## *What do the Personnel from the workplace resources office do?*

They are the critical component to the commercial success of HELPLINE by establishing contact with users. These personnel:

- Send out a private branded "Heads Up" Fax alerting users to a call
- Call them and secure, confirm and update user company information that is critical to the experts answering their legal questions.
- Educate them on the services and the value to their company
- Answer any questions, help change access codes, etc
- Connect them to the experts (attorneys) if they have questions
- Follow-up with an immediate summary e-mail confirming the services and their access points
- A month later, reminder letters (private branded to the Financial Services Company) and stickers for their phone/computer are sent
- Bounce-back calls and continuum of service delivery

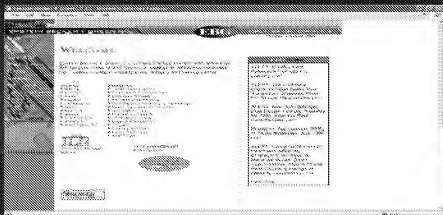
...and how they all work together to  
create commercial success!





*Now what happens on the  
“Specialists Expert side” of the  
Database to answer a User’s  
question?*

*First... Who are the current experts?*

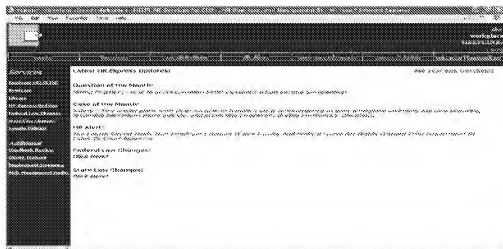


Epstein, Becker & Green PC

• 375 attorneys and 11 offices across United States

*How do specialists answers user's specific questions, not canned responses or from an "escalatory database of prepackaged Q & A?"*

- **Step 1: Login to Database & view Incomplete Calls/Emails**
- **Step 2: Make Pending if in process, but waiting on call back, etc.**
- **Step 3: View Warnings, Data, & Previous Questions. Insert Subj.**
- **Step 4: Add a Question**
- **Step 5: Access Response Wizard including tagging the issues raised in the question and providing a specific answer to the User's question**
- **Step 6: Sending the response including *Did we answer your question* capability to provide a closed loop for the user to get their question answered.**



*These monthly HR Express Updates go out electronically to up to 2 contacts at each user. HR Alerts go out an additional 4-6 times a year with breaking news that affects businesses. For 1,000 businesses for example, that translates into nearly 36,000 contacts before they even ask questions.*



## *First Commercial Success... Utilization!*

- How is it defined?
- What is the industry standard?
- What has been our success?

### *Let's look at success as defined by actual usage, not "eyeballs" on a website!*

An insurance program serving cities, towns and municipalities in the Midwest:

- Cumulative utilization is **89%**, representing nearly 30 times the industry standard of less than 3%
- Over a 3 year period, users called, e-mailed, and requested specific help from HELPLINE an average of 12 times each...

### *Other Utilization Successes...*

- A major Risk Retention Group and Insurancce Company serving religious institutions each exceed 90% cumulative utilization.
- An insurance program serving the non-profit sector nationally exceeds 80% utilization.
- A recent Pool serving government entities just launched in June 2005 had over 60% utilization the first month!

### *Why is the successful use of HELPLINE services be important?*

- The more the company calls, the more proactive they become and the better they are as a risk... leading to lower losses and a greater marketing/branding impact for the financial services company.
- The result... retention of better risks in the financial service company's book of business!



## *Second commercial success...*

Reduction in claims costs hinges on  
success in utilization!

## *A 50% reduction in "loss costs"?*

How did we figure that out:

- We worked closely with the Financial Services client using 7 years of actual claims data
- We overlayed 4 years of actual call data
- We then tied calls into claims by looking at the actual claims issues, the reported year and actual calls issues
- *This greater than 50% reduction was only for those who filed claims... It didn't include the 83% who used the services & didn't file claims!*

***Total Projected Savings from  
HELPLINE intervention over the 4  
year study period for just one client...***

Preventative savings: \$ 1,857,000

Proactive Savings: 2,270,805

***Total Projected savings: \$4,127,805***

Fees to HELPLINE: (\$ 723,950)

***Total Net savings: \$3,403,855***

***Return on Investment: 470% over 4 years - 117%/yr***

**How does HELPLINE success compare to the industry...  
A comparative model!**

**Industry Standard Loss Control:**

# Policyholders	Claims Frequency Rate	Service Utilization Rate	Average Claims Expense	Claims Expense Reduction Rate	Savings
5000	20%	3%	\$25,000	10%	\$ 75,000
5000	20%	3%	\$25,000	25%	\$187,500

**HELPLINE's Industry Leading Loss Control:**

# Policyholders	Claims Frequency Rate	Service Utilization Rate	Average Claims Expense	Claims Expense Reduction Rate	Savings
5000	20%	57.5%	\$25,000	10%	\$1,437,500
5000	20%	57.5%	\$25,000	25%	\$3,593,750

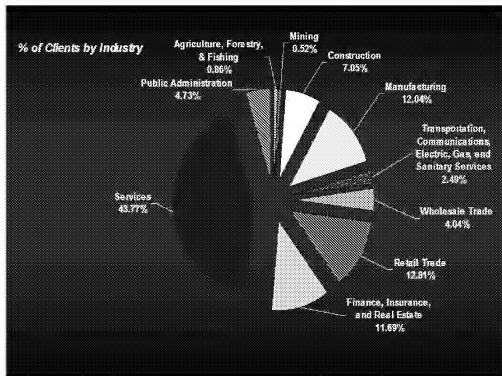
***HELPLINE has proven a greater than 50% reduction in losses***

## *Third Commercial Success...*

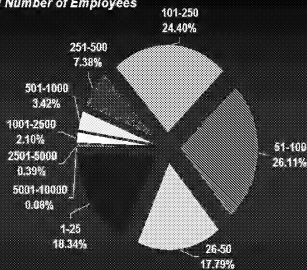
### *Real time data mining!*

Our data is based upon actual calls, e-mails and requests for help, it is proactive (companies reaching out for help) and every call/e-mail is tagged by the experts!

The following slides give illustrative examples of the call data without revealing the identities of the users.

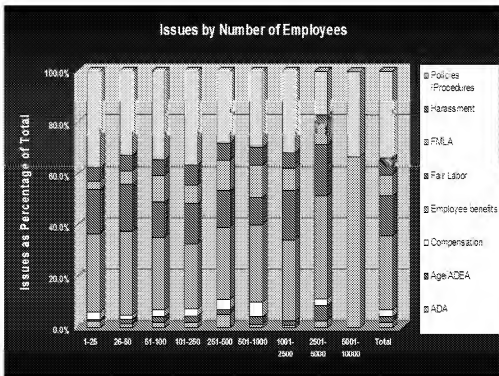
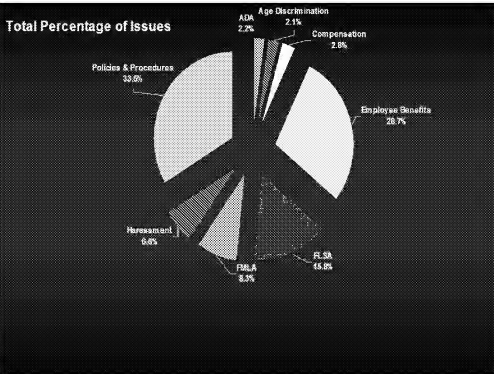


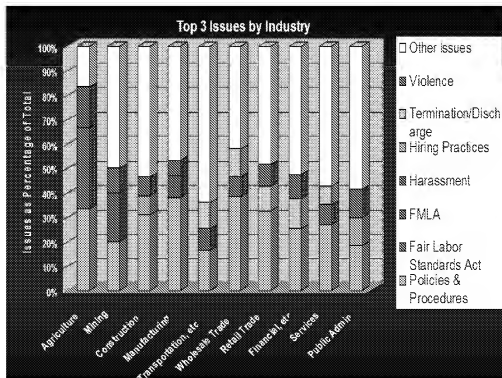
**% of Clients by Number of Employees**



**Call Statistics by State**

State	Total # of Clients	Total # Clients Using	Total # of Calls	% Utilization	Average Calls/User
AK	6	2	7	33.3%	3.5
AL	32	16	30	46.9%	4.9
AR	6	1	1	16.7%	1.0
AZ	13	9	47	69.2%	5.2
CA	131	101	631	66.8%	5.3
CO	17	9	77	62.9%	8.6
CT	18	10	39	55.6%	3.9
DC	5	4	26	80.0%	6.5
FL	35	19	66	54.3%	3.5
GA	24	9	35	37.5%	3.9
HI	3	3	77	100.0%	25.7
IA	11	8	68	72.7%	8.5
ID	2	0	0	0.0%	0.0
IL	34	21	80	61.8%	3.8
IN	16	11	58	68.8%	5.1
KS	18	8	31	44.4%	3.9
KY	14	7	48	50.0%	7.0
LA	13	7	23	53.8%	3.3
MA	50	23	134	48.0%	5.8
MD	5	3	17	60.0%	5.7
ME	1	0	0	0.0%	0.0
MI	47	24	117	51.1%	4.9
MN	35	18	66	51.4%	3.7
MO	57	38	181	52.6%	3.4
MS	14	5	32	35.7%	8.4
MT	5	3	31	60.0%	10.3
NC	2	0	0	0.0%	0.0
ND	4	2	6	50.0%	3.0
NE	6	2	6	33.3%	3.0
NH	5	3	11	60.0%	3.7
NJ	59	15	49	25.4%	3.3
NM	18	7	36	38.9%	5.1
NV	8	2	39	25.0%	19.5
NY	104	39	176	37.5%	4.5
OH	30	15	111	45.0%	8.5
OK	16	7	125	43.8%	17.9
OR	12	5	21	41.7%	4.2
PA	20	10	36	50.0%	3.6
RI	12	6	18	50.0%	3.0
SC	6	3	11	50.0%	3.7
SD	2	1	2	50.0%	2.0
TN	14	6	26	42.9%	4.3
TX	132	121	612	46.2%	8.1
UT	3	2	7	66.7%	3.5
VA	17	12	68	70.6%	5.7
VT	4	3	21	75.0%	7.0
WA	58	33	184	56.9%	5.6
WI	11	6	35	54.5%	9.2
WV	3	1	5	33.3%	5.0
WY	6	5	6	83.3%	1.2
<b>Totals</b>	<b>1255</b>	<b>685</b>	<b>3437</b>	<b>42.6%</b>	<b>5.6</b>





## *How this Real-Time/Dynamic Database Call Data is used?*

*First off, keep in mind Database data can be correlated multiple ways including by issue, size, SIC/NAICS, state, etc....*

- **Underwriting**
  - Adjust underwriting criteria based on proactive trends identified within Financial Service's book of business, in addition to the general market
- **Pricing:**
  - Analyze loss costs using Database data on Financial Service's client's book to rate and price risks by type
- **Sales/Retention/Branding efforts:**
  - Create and retain demand for Financial Service company's product/program by supplying your Association channel(s) with data, actual questions, and loss control materials to assist their marketing efforts, co-brand with Associations
- **Targeted Loss Control coordinated with Claims**
  - Cross reference our Database data (proactive) with claims data (reactive) to formulate even more focused loss control efforts
- **Quantify the Loss Reductions Results.....**

## Strategic Benefits *success?*

- **Branding/Differentiation/Marketing Support:** Brand Awareness & product demand is created through *high-touch* services to users
  - **Success:** 89% brand awareness by users even though Financial Service company was selling through 2 channels under 3 different brands
  - **Success:** 70% of users rated services a 4 or better out of 5
  - **Success:** Interventions by producers and Agents on behalf of companies
  - Creates cross-selling (other products & services)...again over 75% questions come in via website

## *Fourth Commercial Success...*

Driving down the cost of professional services through HELPLINE's:

- Relationship Management Business Method
- Database Technology
- Seamless access to Specialists' experts!!

## *HELPLINE's Successes!!*

- The method and the underlying technology is not obvious, no one else in the United States is doing this, thus the need for patent protection.
- Based upon these 4 commercial successes previously outlined, HELPLINE expects to triple its business from 2005 to 2006!!

*Any Questions?*



**X RELATED PROCEEDINGS APPENDIX (37 C.F.R. §41.37(c)(1)(x))**

NONE